

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF :

JEFFREY MANDALIS COPYRIGHT MMVIII

V

PEOPLES GAS LIGHT AND COKE COMPANY

Complaint as to billing/charges in Chicago, Illinois.

No. 08-0310

Chicago, Illinois

June 3, 2008

Met pursuant to notice at 10:00 a.m.

BEFORE :

MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES :

MR. JEFFREY MANDALIS COPYRIGHT MMVIII
805533

Chicago, Illinois 60680
appeared pro se;

MR. MARK L. GOLDSTEIN

108 Wilmot Road
Deerfield, Illinois 60015

appeared for Peoples Gas.

SULLIVAN REPORTING COMPANY, by

1 Teresann B. Giorgi, CSR

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2			Re- By
3	<u>Witnesses:</u>	<u>Dir.</u> <u>Crx.</u> <u>dir.</u> <u>crx.</u>	<u>Examiner</u>
4	NONE		
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9		<u>E</u> <u>X</u> <u>H</u> <u>I</u> <u>B</u> <u>I</u> <u>T</u> <u>S</u>	
10			
11	<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
12	NONE		
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1 JUDGE RILEY: Pursuant to the direction of the
2 Illinois Commerce Commission, I call Docket 08-0310.
3 This is a complaint by Jeffrey Mandalis Copyright
4 MMVIII versus Peoples Gas Light and Coke Company as
5 to billing and charges in Chicago, Illinois.

6 Mr. Mandalis, you are appearing pro se
7 again?

8 MR. MANDALIS: Yes, sir.

9 JUDGE RILEY: Mr. Goldstein you're here for
10 Peoples Gas?

11 MR. GOLDSTEIN: That's correct, Judge.

12 I have with me John Riordan of Peoples
13 Gas.

14 JUDGE RILEY: Thank you.

15 Can you enter an appearance for the
16 record, please.

17 MR. GOLDSTEIN: Sure.

18 Mark L. Goldstein, 108 Wilmot Road,
19 Suite 330, Deerfield, Illinois 60015. My telephone
20 number is 847-580-5480.

21 JUDGE RILEY: Thank you.

22 And I note that, Mr. Mandalis, this

1 has a familiar ring to it.

2 MR. MANDALIS: We should probably be able to
3 proceed quicker this time, I think. We're all
4 familiar with the issues.

5 JUDGE RILEY: It's my understand that as you've
6 outlined the issue in your complaint, this -- we've
7 read this before and your position has not changed,
8 is that correct?

9 MR. MANDALIS: Correct.

10 JUDGE RILEY: Mr. Goldstein, what's your
11 response?

12 MR. GOLDSTEIN: As your Honor is aware, since I
13 represented Commonwealth Edison in the same type
14 complaint that Mr. Mandalis filed against ComEd,
15 there are no different facts. The bottom line of it
16 all is that Mr. Mandalis attempted to pay his gas
17 bill in the same manner by sending some kind of
18 receipt to Peoples Gas with Jeffrey Mandalis
19 Copyright MMVIII. It did not even rise to the point
20 of an IOU or a promissory note or any other type of
21 legal tender that anyone in this world could
22 imagine.

1 MR. MANDALIS: I object.

2 JUDGE RILEY: All right. Let him finish.

3 MR. GOLDSTEIN: In the ComEd matter we went to a
4 full evidentiary hearing, Judge. You required that
5 briefs be filed in that case. I would ask that you
6 incorporate the record in that case into this case.
7 I don't think that there would be anything different
8 to be provided. As your Honor is aware, we did not
9 put a witness on in the ComEd case.

10 I ask that there be a judgment based
11 upon the testimony and evidence presented by
12 Mr. Mandalis at that hearing.

13 You know, it just seems to me that if
14 this Commission allows someone to file a complaint
15 with a factitious name, where there's just an
16 absolutely no chance of any type of relief that
17 could be possibly granted by this Commission to this
18 Complainant, you know, I just have too much respect
19 for this Commission, after practicing here for most
20 of my adult life, to think that this Commission is
21 going to enter an order that would be in any way
22 positive to the Complainant.

1 With that in mind, I have
2 Mr. Riordan here to advise Mr. Mandalis that we're
3 going to try to terminate his service as quickly as
4 we possibly can. We do not care whether there's a
5 pending hearing or not. And that's just the way
6 it's going to be.

7 He either has to pay the current
8 amount due and owing immediately, or service is
9 going to be terminated.

10 JUDGE RILEY: Mr. Goldstein, notwithstanding
11 everything you've said and, you know, your view of
12 the complaint is is that it is aberrant or bizarre,
13 the Complainant still gets his day in court.

14 The fact that you are unable to see
15 any potential for relief in that complaint, does
16 not bind the Commission.

17 MR. GOLDSTEIN: Well --

18 JUDGE RILEY: And with that said, I want to ask
19 Mr. Mandalis, response to Mr. Goldstein's remarks.

20 MR. MANDALIS: Absolutely. I appreciate the
21 opportunity to respond.

22 First of all, I would like to object

1 to the Respondent's request to have the record from
2 the Commonwealth Edison case admitted into this
3 record as there are separate issues.

4 As far as I understand, Peoples Gas
5 doesn't even admit to receiving the credit I
6 drafted. While Mr. Goldstein may not feel that the
7 credit is a negotiable instrument or promissory
8 note, it is my contention that it is covered under
9 the Uniformed Commercial Code and it is a credit
10 draft, which I am prejudice to accept in lieu of
11 lawful money and, therefore, that makes it
12 negotiable.

13 I would also like to raise the point
14 that if Mr. Goldstein has so much respect for this
15 Commission, how come he doesn't feel that people are
16 entitled to a hearing before the Commission before
17 his clients can take action.

18 And I would like at this point to say
19 that I strongly object to the statements of the
20 Respondent that they can go ahead and act to
21 terminate service before the Commission has made a
22 determination in this suit, because otherwise,

1 what's the point of having a hearing?

2 If that's so, then I feel that I'm
3 denied my lawful right to due process. And that I
4 will have to seek an injunction in Chancery in order
5 to retain my rights to due process.

6 So I would really like the Commission
7 to address the issue as to who whether or not
8 Peoples Gas is allowed to terminate my service
9 before a hearing has been held, and, if so, I would
10 like to motion for a continuance so I can go and get
11 a restraining order in Chancery regarding that
12 issue.

13 MR. GOLDSTEIN: Well, any court action that
14 Mr. Mandalis wishes to take, he certainly has every
15 right to do so. That's the first thing.

16 I can also advise, your Honor, that if
17 your Honor does continue this matter to another
18 date, we will not be appearing. That there's
19 absolutely no point to this. This is just a
20 complaint that is beyond -- it's just a gamesmanship
21 on the part of Mr. Mandalis in order to avoid paying
22 his utility bill. And, you know, he has every right

1 to take whatever action he wishes to take, but I can
2 advise your Honor, that we are not going to appear
3 beyond this date.

4 JUDGE RILEY: Are you moving to dismiss this
5 matter?

6 MR. GOLDSTEIN: Yes. That was going to be my
7 final move, Judge.

8 JUDGE RILEY: Thank you.

9 MR. GOLDSTEIN: I'd like to make an oral motion
10 to dismiss this matter. I don't think the
11 Commission has any jurisdiction over this. This is
12 not a high bill complaint or any other kind of
13 complaint. This is, you know -- Mr. Mandalis is the
14 beneficiary of the fact that the Clerk's Office of
15 this Commission merely performs a minuscule act in
16 docketing any complaint after an informal has been
17 filed.

18 So that's our position, Judge. We are
19 not going to appear any further in this matter. And
20 we're asking that your Honor mark this record heard
21 and taken today and issue the appropriate order,
22 obviously, dismissing the matter.

1 MR. MANDALIS: Well, your Honor, I would like to
2 object on the grounds that it is a denial of my
3 lawful right to due process in this case. And that
4 I will be forced to seek relief and administrative
5 review against both the Commission and Peoples Gas
6 in this case.

7 JUDGE RILEY: Okay. Here's the situation.

8 With regard to the motion to dismiss,
9 Counsel, we've already said that, and you've already
10 said that this appears to have the same basis as the
11 prior complaint against Commonwealth Edison and,
12 yet, Mr. Mandalis was granted his day in court
13 there. I cannot deny him his day in court on this
14 matter.

15 I understand that you say Peoples Gas
16 will not appear further in this matter, that's
17 entirely up to Peoples Gas.

18 Mr. Mandalis, if you wish to seek some
19 type of injunctive relief in Chancery Court, or
20 whatever court of competent jurisdiction, with
21 regard to the threat of shutoff of your gas service,
22 that's entirely up to you. A shutoff of gas service

1 is not necessarily tied to the complaint itself.
2 What it amounts to is that there is no stipulated
3 sum of money here. And where a party does stipulate
4 a specific sum of money in dispute, that sum is not
5 due and owing until there has been a resolution by
6 the Commission, but all other sums are due and owing
7 to the Utility. And if those sums are not paid,
8 then they can shut off your service. That's the way
9 it stands.

10 Having heard both sides, then, we're
11 obviously at --

12 MR. MANDALIS: Very quick?

13 JUDGE RILEY: Certainly.

14 MR. MANDALIS: Well, I would like to amend my
15 complaint to stipulate the sum of money that was due
16 and owing at the time in December, I believe it was,
17 if Peoples Gas has that record.

18 JUDGE RILEY: You don't recall how much that
19 was?

20 MR. MANDALIS: It was over a thousand dollars.
21 I would say around \$1200.

22 MR. GOLDSTEIN: Well, Judge --

1 MR. MANDALIS: And while they made -- the issue
2 at hand, regarding the situation, is that the sum of
3 money I owe is definitely owing. What I'm saying is
4 that what I remitted is all that I am lawfully
5 required to remit. I am only lawfully required to
6 remit my own credit. That I'm not lawfully required
7 to remit the credit of a third party.

8 JUDGE RILEY: Okay. This is stated as in your
9 complaint.

10 MR. MANDALIS: That is right.

11 MR. GOLDSTEIN: Judge, this is exactly the type
12 of gibberish --

13 MR. MANDALIS: Before you do that -- excuse me.
14 Reread the --

15 JUDGE RILEY: Stop it. Stop it right now.

16 All right. You made your remarks.

17 Mr. Goldstein, respond.

18 MR. GOLDSTEIN: Okay. This is the same type of
19 gibberish we heard in the ComEd complaint case.
20 This is exactly the same reason why I'm asking your
21 Honor to incorporate the record herein, close the
22 record and issue a proposed order accordingly to,

1 you know, the request that I'm making today to have
2 this matter dismissed with prejudice.

3 JUDGE RILEY: Okay. I've already ruled on that.
4 I have to deny it. I have to give the Complainant
5 his day in court.

6 Do you have the sum of money that was
7 in dispute?

8 MR. GOLDSTEIN: Mr. Riordan?

9 MR. RIORDAN: Well, from the date that
10 Mr. Mandalis said, the December billing, the amount
11 of the December bill -- outstanding balance was
12 \$1276.78.

13 MR. GOLDSTEIN: And what's the current balance?

14 MR. RIORDAN: The current balance today is
15 \$2,247.24.

16 JUDGE RILEY: Today's balance is?

17 MR. RIORDAN: 2,247.24.

18 JUDGE RILEY: So in December it was \$1,276.78.

19 Does that sound like the amount that
20 you had submitted?

21 MR. MANDALIS: That sounds right.

22 JUDGE RILEY: Okay. With regard to the balance

1 today, has anything been remitted by you over and
2 above the \$1,276.78?

3 MR. MANDALIS: Not yet because I was pending my
4 hearing, but I'll be assure to draft a credit and
5 send it in today.

6 MR. GOLDSTEIN: Judge, that's certainly
7 unacceptable to us.

8 JUDGE RILEY: All right. I understand that.

9 MR. GOLDSTEIN: We would like to have real money
10 instead of play -- some kind of play thing where
11 Mr. Mandalis is really doing gamesmanship rather
12 than actually paying his utility bills.

13 MR. MANDALIS: Well, I object to that --

14 JUDGE RILEY: Excuse me.

15 Strike that.

16 MR. GOLDSTEIN: You can object to anything you
17 want.

18 JUDGE RILEY: Let's go off the record.

19 (Whereupon, a discussion
20 was had off the record.)

21 JUDGE RILEY: Back on the record.

22 Mr. Mandalis, you said you have some

1 additional discovery, some additional information.

2 Mr. Goldstein said he is not going to respond to

3 discovery.

4 Gentlemen, we're at an impasse and
5 there's no sense of arguing any further. I'm not
6 going to waste anymore time.

7 You have a motion to amend the
8 complaint to reflect either the amount of \$1,276.78,
9 is in dispute, or the sum of \$2,247.24. You said
10 that you were going to draft one of your credits and
11 submit it to Peoples Gas.

12 MR. MANDALIS: For the \$800.

13 JUDGE RILEY: Well, for, approximately, a
14 thousand dollars.

15 MR. MANDALIS: 1200 verus 2000 and what?

16 JUDGE RILEY: 2,247. So it's just under a
17 thousand dollars.

18 MR. MANDALIS: And the first amount was 1200
19 and --

20 JUDGE RILEY: \$1,276.78, that was the amount
21 that you sent the credit in last December. Your
22 balance today stands at \$2,247.24.

1 JUDGE RILEY: I'm not -- go on.

2 MR. GOLDSTEIN: -- you're directing him to do
3 that. And you're just allowing him another
4 opportunity to avoid paying his gas bills.

5 JUDGE RILEY: I'm not doing any such thing,
6 Mr. Goldstein. I'm not allowing nor permitting any
7 such thing.

8 All I'm trying to do is find out what
9 the sum is in dispute and he is disputing \$1,276.78,
10 as of December of 2007. That's all that is going on
11 here.

12 Whatever he does, whatever you do,
13 that's entirely up to the parties.

14 What I'm going to do, as of right
15 now --

16 MR. MANDALIS: Well, at this time I would like
17 to amend the complaint to include the entire sum of
18 \$2247.

19 JUDGE RILEY: Objection, Mr. Goldstein?

20 MR. GOLDSTEIN: He can do anything he wants.
21 We're not participating any further in the
22 proceeding, Judge.

1 JUDGE RILEY: All right. Then, I'll grant the
2 motion to reflect that the sum of money in dispute
3 by the Complainant is the sum of \$2,247.24.

4 MR. MANDALIS: At this time I would also like to
5 ask a question of Mr. Goldstein, if he is --

6 JUDGE RILEY: I'm not sure that's a very good
7 idea, because he's said he's not going to
8 participate any further.

9 MR. MANDALIS: Well, if he's aware of any law
10 which requires me to pay him in Federal Reserve
11 Notes as opposed to my credit?

12 JUDGE RILEY: No, we're not going to go --
13 Mr. Mandalis -- strike that. No, we're not going to
14 get into that now. No more.

15 The next order of business, as far as
16 I'm concerned is to set a hearing date.

17 Today is June 3rd. Again, we set
18 these matters 30 days out, however, we will go --
19 July 1st at 10:00 a.m.

20 Mr. Goldstein, you said that Peoples
21 Gas is not going to participate?

22 MR. GOLDSTEIN: That's correct, Judge.

1 JUDGE RILEY: All right. You're not withdrawing
2 your representation or your appearance, are you?

3 MR. GOLDSTEIN: No, I'm not, Judge.

4 JUDGE RILEY: All right.

5 MR. GOLDSTEIN: I've participated in this
6 proceeding. This record should be closed. I've
7 explained why it should be closed. And, you know,
8 it's time that the Commission, you know, have a
9 sense of what other customers do when they receive
10 utility bills and pay them. And to allow this
11 complaint to go forward when this person refuses to
12 pay his utility bill is just beyond imagination.

13 MR. MANDALIS: Well, I object to the statement
14 that I refuse to pay.

15 JUDGE RILEY: All right.

16 MR. MANDALIS: What I'm saying is that what I
17 have paid with is lawful and that they are lawfully
18 obliged to accept it.

19 JUDGE RILEY: It's the same argument we've heard
20 over and over again. And the record is clear on
21 that.

22 Mr. Mandalis, as in the prior case, as

1 the Complainant, you would be required to proceed
2 first. You have the burden of proof to come forth
3 with your evidence, whatever evidence or testimony
4 you may have.

5 MR. MANDALIS: Absolutely.

6 JUDGE RILEY: All right. We will leave it at
7 that. We've said everything that can possibly be
8 said at this point.

9 This matter is continued to July 1,
10 2008 at 10:00 a.m. for hearing.

11 Thank you very much.

12 (Whereupon, the above-entitled
13 matter was continued to
14 July 1, 2008 at 10:00 a.m.)
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